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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/541,538	07/08/2005	Norbert Grov	03100241AA	1492
30743 7590 11/01/2007 WHITHAM, CURTIS & CHRISTOFFERSON & COOK, P.C. 11491 SUNSET HILLS ROAD SUITE 340 RESTON, VA 20190			EXAMINER STRIMBU, GREGORY J	
			ART UNIT 3634	PAPER NUMBER
			MAIL DATE 11/01/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/541,538

Applicant(s)

GROV, NORBERT

Examiner

Gregory J. Strimbu

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 July 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 7/8/05 + 8/24/07.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

### ***Drawings***

The drawing correction filed August 22, 2007 has been approved. The drawings, however, are still objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the conical intermediate space must be shown or the feature(s) canceled from the claim(s). No new matter should be entered. It should be noted that the space identified by reference character 16 in figure 5 is not shaped like a cone, i.e., conical.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because the legal phraseology "said" on line 8 should be avoided. Phrases such as "[t]he invention relates to" on line 1 and "inventive" on line 2 can be easily implied and should, therefore, be deleted. Correction is required. On line 3, "an" is grammatically awkward and confusing. On line 4, "perpendicularly" is grammatically awkward and confusing. On line 4, "the direction of the main moulding" is confusing since it is unclear whether or not the applicant is referring to the main molding direction set forth above. On line 5, "the branches" is confusing since it is unclear what element of the invention comprises the branches. On lines 7-8, "are shaped in one piece on the window frame element" is grammatically awkward and confusing. See MPEP § 608.01(b).

The disclosure is objected to because recitations such as "narrow side edges bounding a conical intermediate space" on lines 14-15 of page 3 are confusing.

Because the side edges are generally planar, it is not understood how they can bound a

curved surface, i.e., the side of a cone shape. It appears that the post 6 and the sections 9 and 10 define a three dimensional trapezoidal shape rather than a conical shape. It is suggested the applicant amend the specification and claims to more accurately reflect the structure that is shown in figures 5 and 6. On lines 2-3 of page 5, "which is situated in between, of the other limb of the guide" is grammatically awkward and confusing.

Appropriate correction is required.

### ***Claim Objections***

Claim 1 is objected to because it appears that "where" on line 6 should be changed to --wherein--

Claim 2 is objected to because it appears that "{15}" on line 3 should be changed to --(15)--

Claim 5 is objected to because "13" on line 3 should be enclosed in parentheses.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

Claims 3-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Recitations such as "narrow" on line 3 of claim 3 render the claims indefinite because they are relative terms whose meaning is not defined by the specification and

cannot be readily ascertained by one with ordinary skill in the art. Recitations such as "the narrow side edges on adjacent straight lines bound a conical intermediate space" on lines 2-3 of claim 4 render the claims indefinite because it is unclear what the applicant is attempting to set forth. First, it should be noted that adjacent means no more than near. Therefore, with respect to a first line, a second adjacent line is not required to be the next line. Rather, the second adjacent line can be a line which is spaced 2-3 lines away from said first line. Second, two planar edges cannot bound a conical space since a conical space requires substantially curvilinear sides. Since the edges are generally planar as shown in figure 5, they cannot bound a conical space. Recitations such as "straight lines" on line 3 of claim 4 render the claims indefinite because it is unclear if the applicant is referring to the lines set forth above or is attempting to set forth lines in addition to the ones set forth above. Recitations such as "a limb" on line 4 of claim 4 render the claims indefinite because it is unclear whether or not the applicant is referring to one of the limbs set forth above and, if so, which one of the limbs set forth above. Recitations such as "an A-pillar" on line 3 of claim 8 render the claims indefinite because it is unclear if the applicant is referring to the A-pillar set forth above or is attempting to set forth another A-pillar in addition to the one set forth above.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Yoshida et al. (US 5943823). Yoshida et al., in figures 4-7, discloses a one-piece window frame unit (not specifically numbered, but shown in figure 1) designed to be produced by die-casting and having a structure which defines a main demolding direction, i.e., a direction perpendicular to the page as shown in figure 4, for the die-casting procedure, comprising at least one post 6 with a U-shaped guide 4, 5, 9 having two limbs 1 for guiding an edge of a window pane 12 between them, where the limbs extend essentially perpendicularly to the main demolding direction, wherein the limbs are each comprised of sections arranged along said post and wherein sections of the two limbs are arranged in an alternating manner along the post so that the sections of one of the limbs are situated between the sections of the other one of the limbs and the guide consists of said sections of each limb having interspaces between them; the post is provided with ribs 11 pointing in the main demolding direction; the window frame unit is designed as an A-pillar.

Claims 1, 3 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Nozaki et al. (US 6305125). Nozaki et al., in figure 16, discloses a one-piece window frame unit 100 designed to be produced by die-casting and having a structure which defines a main demolding direction, i.e., a direction perpendicular to the movement direction of the window pane 102, for the die-casting procedure, comprising at least one

post 112 with a U-shaped guide having two limbs 114 for guiding an edge of a window pane 102 between them, where the limbs 114 extend essentially perpendicularly to the main demolding direction, wherein the limbs 114 are each comprised of sections arranged along said post and wherein sections of the two limbs are arranged in an alternating manner along the post so that the sections of one of the limbs are situated between the sections of the other one of the limbs and the guide consists of said sections of each limb having interspaces between them; the sections 114 are arranged in a alternating manner have narrow side edges (not numbered, but comprising a longitudinal end) which are aligned with each other on a straight line; the narrow side edges on adjacent straight lines bound a conical intermediate space between two sections of a limb 114.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nozaki et al. as applied to claims 1, 3 and 4 above. Nozaki et al. is silent concerning the specific angle of conicity between adjacent lines.

However, one of ordinary skill in the art is expected to routinely experiment with parameters so as to ascertain the optimum or workable ranges for a particular use.



Accordingly, it would have been no more than an obvious matter of engineering design choice, as determined through routine experimentation and optimization, for one of ordinary skill to provide an angle of conicity between adjacent lines with a value of between 10° and 45°, between 30° and 40°, or 35° +/- 2° to ensure the proper movement of the window pane as the window panes slides between opened and closed positions.

### ***Response to Arguments***

Applicant's arguments filed August 22, 2007 have been fully considered but they are not persuasive.

Regarding the applicant's comments concerning Nozaki et al., the examiner respectfully disagrees. Nozaki et al., in figure 16, discloses a guide integrally with the window frame unit 112. Additionally, the guide can be produced with main mold pieces.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

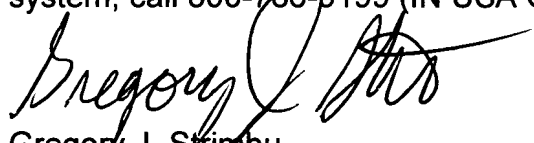
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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Strimbu whose telephone number is 571-272-6836. The examiner can normally be reached on Monday through Friday 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Gregory J. Strimbu  
Primary Examiner  
Art Unit 3634  
October 24, 2007